

REMARKS

Claims 1, 3, 6, and 21-24 have been amended. Claims 2, 4-5, 8, 10-15, and 17-21 are either in original form or as previously presented. Claims 9 and 16 have been cancelled without prejudice or disclaimer. New claim 25 has been added. Claims 1-8, 10-15, and 17-25 are currently pending. Reconsideration of the pending claims in view of the above Amendments and following Remarks is respectfully requested.

The Office Action stated that claims 3-6, 17-20, and 24 were allowed and that claim 12 was objected to, but would be allowable if rewritten in independent form. Appreciation is extended to Examiners Nichols and Shaver for the allowance of the above-identified claims. The only amendments made to the allowed claims were to eliminate the informalities identified in the claim objections.

CLAIM OBJECTIONS

The Office Action stated that claims 1, 3, and 22-24 were objected to because of various formalities. All of the formalities have been amended as suggested save for the objection to claim 1 line 14, which Applicant's representative believes is correctly stated, as is, given the reading of that particular paragraph in its entirety. Should the examiner disagree, he is encouraged to contact the undersigned to discuss. Accordingly, a notice that the amendments to claims 1, 3, and 22-24 eliminate the objections is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC § 102

The Office Action stated that Claims 1, 2, 7, 8, 13, and 21-23 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 1,849,096 to Kibele (hereinafter "Kibele").

Claim 1 has been amended to include subject matter already identified as being allowable in the February 5, 2010 Office Action. Should the examiner disagree, he is encouraged to contact the undersigned to discuss.

Accordingly, amended Claim 1 is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Claims 2 and 13-15 depend either directly or indirectly from Claim 1 and are allowable for the reasons stated above with respect to Claim 1 and/or because of their own distinctive features. Accordingly, Claims 2 and 13-15 are in condition for allowance and a notice to that effect is respectfully requested.

Claim 7 features, *inter alia*, a camming washer having a relatively small height compared to its diameter and an outwardly tapering thickness such that the washer is thickest at its perimeter.

Kibele fails to anticipate independent claim 7 as "[a] claim is anticipated only if each and every element as set forth in the claim is found." *Verdegaal Bros. v. Union Oil Co.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

First, Applicant's representative does not believe that the purported disc 71 of Kibele has a relatively small height compared to its diameter as featured in claim 7. Moreover, the disc 71 also appears to lack an outwardly tapering thickness such that

the washer is thickest at its perimeter. Instead Kibele FIG. 1 shows the thickest part of the purported disc 71 to be extending from the recess section 22 outward toward to the surface parallel with the axis of the push rod 2. This thickest portion indicated by dimension A shown below is not near the perimeter of the disc 71, but more so located centrally between the edge and center axis of the disc 71.

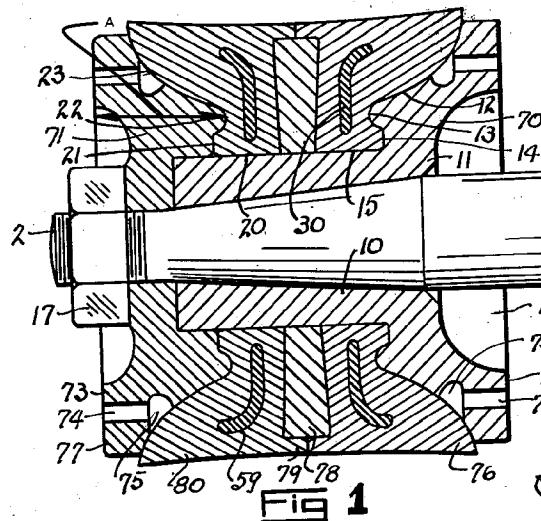


FIG. 1 KIBELE U.S. Patent No. 1, 849,096

Claims 8, 10-12 and 21 depend either directly or indirectly from Claim 7 and are allowable for the reasons stated above with respect to Claim 7 and/or because of their own distinctive features. Accordingly, Claims 8, 10-12, and 21 are in condition for allowance and a notice to that effect is respectfully requested.

Amended claim 22 features, *inter alia*, a camming disc further comprising a central opening for the passage of the face of the body to a forward most position of the piston assembly. It is apparent from FIG. 1 of Kibele that the push rod 2 is the most forward position of the piston assembly and not the purported disc 71 of Kibele.

Accordingly, amended claim 22 is in condition for allowance and a notice to that effect is respectfully requested.

Claim 23 depends directly from Claim 22 and is allowable for the reasons stated above with respect to Claim 23 and/or because of its own distinctive features. For example, Kibele appears to lack a camming disc as discussed above that includes an outwardly tapering thickness such that the camming disc is thickest at its perimeter as featured in Claim 23. Accordingly, Claim 23 is in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that Claims 1 and 16 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 1,386,333 to Hill (hereinafter "Hill"). As stated above, Claim 1 has been amended to include subject matter already identified as being allowable in the February 5, 2010 Office Action. Should the examiner disagree, he is encouraged to contact the undersigned to discuss. Accordingly, Claim 1 is in condition for allowance and a notice to that effect is respectfully requested. Claim 16 has been cancelled without prejudice or disclaimer.

CLAIM REJECTIONS UNDER 35 USC § 103

The Office Action stated that Claim 10, 11, 14, and 15 stands rejected under 35 USC § 103(a) as being unpatentable over Kibele.

Claims 10, 11, 14, and 15 depend either directly or indirectly from Claim 1 and 7 and are allowable for the reasons stated with respect to Claim 1 and 7 and because of its own distinctive features. *See In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (stating that if an independent claim is nonobvious, then any claim depending therefrom

is nonobvious). Accordingly, Claims 10, 11, 14, and 15 are in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that Claims 14 and 15 stand rejected under 35 USC § 103(a) as being unpatentable over Hill. Claims 14 and 15 depend directly from Claims 1 and are allowable for the reasons stated above with respect to Claim 1 and because of their own distinctive features. Accordingly, a notice that Claims 14 and 15 are in condition for allowance is respectfully requested.

New Claim 25 has been added and is believed to be in condition for allowance. A notice that new Claim 25 is in condition for allowance is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance and prompt issuance of a Notice of Allowance is respectfully requested. If any fees are determined to be due in connection with filing this Amendment or any other paper filed during prosecution of this application, the Commissioner is authorized to charge any such fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this Amendment or any other paper filed during prosecution of this application, such an extension of time is petitioned for and hereby respectfully requested.

Respectfully submitted,

Dated: June 7, 2010

/John A. Yirga/
John A. Yirga
Reg. No. 56,480

**TAROLLI, SUNDHEIM, COVELL
& TUMMINO LLP**
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Facsimile (216) 621-4072

App. Serial No.:
10/578,079